

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ORLANDO CORTES,

Civ. No. 09-06-AA

Petitioner,

ORDER

v.

DON MILLS,

Respondent.

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Aiken, Chief Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on July 18, 2011. Magistrate Judge Coffin recommends that the petition for writ of habeas corpus be denied and the case dismissed. Magistrate Judge Coffin found that petitioner's claims were procedurally defaulted and that petitioner did not establish cause, prejudice or actual innocence. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the

magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner timely filed objections to the Findings and Recommendation. Upon de novo review, I find no error and adopt the analysis contained in Magistrate Judge Coffin's opinion.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 38) filed July 18, 2011, is ADOPTED in its entirety. The Petition for Writ of Habeas Corpus (doc. 2) is DENIED and this case is DISMISSED.

***Certificate of Appealability***

Should petitioner appeal, a certificate of appealability should be denied as petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253 (c) (2).

IT IS SO ORDERED.

Dated this 4 day of January, 2012.



Ann Aiken  
United States District Judge